

**REMARKS**

Initially, applicant would like to thank the Examiner for the courteous telephonic interview he conducted with applicant's undersigned representative on 18 March 2005. In such interview, the patentable merit of independent claims 1, 8, 14 and some of the dependent claims relative to the art of record, and in conjunction with the Office Action of January 26, 2005 was discussed, although no agreement was reached. The applicant thanks the Examiner for his helpful remarks during a brief telephone conversation on March 18, 2005.

Upon entry of the present amendment, Claims 1-20 are pending in the application, of which claims 1, 4, 8, 10, 14 and 18 are independent.

The applicant gratefully acknowledges the Examiner's indication that claims 18-20 are allowed, and that claims 4 and 10 include allowable subject matter.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**In the Specification:**

The specification paragraphs [021] and [022] have been amended herein to revise the brief description of FIGS. 2-3 so that it more fully conforms to the description of these figures provided in paragraphs [032] and [047], and to remove a reference to the module, which is not shown in this figures. This amendment is fully supported by paragraphs [032] and [047] and the original figures.

**In the Claims:**

Claims 2, 7, 13 and 17 are amended to further define that the theft-deterrent device is for a two-wheeled vehicle having a handlebar or seat, and claim 2 is further amended to define that the module is adapted to be situated near the rotating shaft of the handlebar.

Applicant respectfully submits that such amendments are fully supported by the original disclosure, including the drawings, and that no new matter is introduced by the amendments.

**Claim rejections – 35 USC 103**

1. The Examiner has rejected claims 1, 3, 5-6 and 14-16 under 35 USC 103(a) as being unpatentable over Tanaka (US 2004/0113760). With respect to claims 1 and 3, the Examiner notes that in Fig. 5, Tanaka discloses a theft deterrent device comprising a receiver 22 for receiving a signal from a remote device 11, a processor 34 for determining whether received information matches stored information, an actuator 26 for driving a door to lock/unlock position, a theft detection unit 35 detecting movement and generating an alarm signal to a warning unit 33 when the receiver has not received an unlocking signal. The Examiner further states that Tanaka discloses the claimed invention except for the specific lock mechanism for responding to the lock position signal, and since Tanaka discloses the actuator for driving the door to lock/unlock position, it would have been obvious to know that the lock mechanism is inherently included in the vehicle in order to respond to a signal generated from the door lock actuator.

**Applicant's Response**

Upon careful consideration, applicant respectfully disagrees with this rejection since Tanaka does not disclose, suggest, or make obvious all the recited features of the applicant's

claims.

The applicant notes that Tanaka's theft prevention device is designed for use in a car, and discloses a means for expanding objects within, or moving objects into, the passenger compartment of the car in order to deter a theft when an intruder is identified therein. Tanaka discloses the use of various sensors to detect intruders near the car or within the vehicle compartment, alarm systems including buzzers and police notification systems, and a remotely activated door locking system.

As regards claims 1, 3, and 14, Tanaka does not disclose or suggest that all the components of the theft detection system are provided in a single module, as recited in these claims. Although many components similar to those claimed by the applicant are also seen in Tanaka, Tanaka does not disclose or even remotely suggest the arrangement of the components claimed by the applicant, in which the receiver, processor, primary lock mechanism, actuator, and theft detection unit are comprised in a module within a single housing. As a practical matter, it is impossible to locate all of these components in a module within single housing in Tanaka's vehicle given the diverse locations of these components.

For example, the primary lock mechanism disclosed by Tanaka is used on a car door, and thus is inherently located within a door panel of a vehicle. The theft detection unit 35 cited by the Examiner is a seating detection sensor which detect seating in the driver's and passenger's seats, and is thus inherently located within the occupant compartment of the vehicle. Because the primary lock mechanism and the theft detection unit are located at separate portions of the vehicle, the receiver, processor, primary lock mechanism, actuator, and theft detection unit disclosed by Tanaka are not comprised within a module within a single housing, as recited by the

applicant.

Furthermore, Tanaka does not disclose a theft detection unit 35 which detects movement of the vehicle, and generates an alarm signal when the vehicle is moved. Rather, Tanaka discloses a seating detection sensor 35, which is incapable of generating an alarm signal when the vehicle is moved, as claimed by the applicant.

As regard claim 3, the Examiner cites the theft detection unit 35 of Fig. 5, which comprises a seating detection sensor 35, and is unsuited for detecting movement of the vehicle. Although not mentioned by the Examiner, in another embodiment of the invention, Tanaka discloses a detection sensor 32 for detecting a person approaching the car wherein a vibration sensor for sensing a break in window glass is provided (paragraph 119), the detection sensor 32 being linked to the warning unit 33. However, the applicant respectfully asserts that such a theft detection unit operable to sense vibration associated with window glass (or operable to detect the presence of an occupant on a seat), would be located in the vicinity of the window glass (or the seat) and thus would not be housed within the module, as claimed in the base claim.

As regards claims 5, 6, 15 and 16, the Examiner states that Tanaka discloses the warning unit 33 separate from a vehicle horn and being energized in response to the theft detection signal (Fig. 3).

The applicant disagrees with the rejection of claims 6 and 16 because Tanaka does not disclose the warning unit 33 as disposed within the module, as recited in these claims.

In this regard, applicant notes that the above distinctions are very significant because the claimed theft-deterrent device includes significant advantages in the art, e.g., the claimed disposition of several components in a module within a single housing greatly facilitates

manufacture – assembly of the vehicle including same, thus significantly reducing costs.

Also in this regard, applicant notes that the Courts and the Board of Patent Appeals and Interferences (BPAI) have consistently held that, for purposes of establishing obviousness under 35 USC '103, a rejection advanced by an Examiner must rest on a factual basis, with the facts being interpreted without hindsight reconstruction of the invention from the prior art, and that the Examiner may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis. Ex Parte Hamond, 41 USPQ2d 1217, 1220, citing In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968). Here, applicant respectfully submits that the Examiner's rejection does not rest on a proper factual basis derived from the Tanaka reference and/or the other evidence of record.

Based on the foregoing, it is respectfully submitted that the rejection of claims 1, 3, 5-6 and 14-16 under 35 USC 103(a) as being unpatentable over Tanaka is overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

2. Claims 2, 7-9, 11-13, and 17 are rejected under 35 USC 103(a) as being unpatentable over Tanaka in view of Konno (US 6,768,219). Regarding claim 2, the Examiner states that Tanaka discloses the instant claimed invention except for the primary lock mechanism being engageable with a rotating shaft of a handlebar to lock the vehicle, wherein the module is situated near the rotating shaft of the handlebar, and further states that Konno discloses a vehicle lock operation device having a module A being situated near a handlebar H and handlebar lock Lh. The Examiner states that it would have been obvious to use the handlebar lock as taught by

Konno in the system as disclosed by Tanaka for the purpose of locking the handlebar after the vehicle is turned off in order to prevent theft of the vehicle.

Applicant's Response

Upon careful consideration, applicant respectfully disagrees with this rejection for those reasons discussed above in relation to the Tanaka reference, which are not overcome by any additional teaching of Konno, since the references do not disclose, suggest, or make obvious additional recited features of the applicant's claims, and because persons of ordinary skill in the art would not consider it obvious to hypothetically modify Tanaka's automobile to include features of or relating to Konno's two-wheeled vehicle because the references provide no motivation for such modifications.

Relative to the Konno reference, applicant notes that Konno is silent as to the specific location of the control circuit and lock actuator 1 with respect to the locking mechanisms Lh, Lm, Ls, except to state that they are connected to the actuator through operation wires Wh, Wm, Ws and are provided at a suitable location on the vehicle body (col. 4, lines 17-18). Based on the depiction of the operation wire Wh, however, it is clear that the lock actuator 1 is distant from the handlebar locking mechanism Lh, and thus the applicant respectfully asserts that Konno does not disclose a module situated near a handlebar.

Further, applicant respectfully disagrees with the Examiner's interpretation of Konno as teaching a module A. In the disclosure, Konno refers to element A (Fig. 3) as a remote locking apparatus A, including lock actuator 1, control circuit C, a transmitter T and receiver R, and plural locking mechanisms Lh, Lm, and Ls. The applicant disagrees that the remote locking apparatus A is a module, as is commonly understood by this term, since the components thereof

are dispersed at various locations about the vehicle. For example, the transmitter T is a remote device, receiver R is mounted to an upper edge of the windshield plate G and is connected to the control circuit C via a wire (col. 2, lines 62-68), and the locking mechanisms Lh, Lm, Ls are positioned at the front, underside, and rear portions of the vehicle, respectively (Fig 2). There is no module disclosed or suggested by Konno.

Still further, applicant respectfully submits that since the system disclosed by Tanaka does not include-involve a handlebar or numerous other components as arranged on Konno's two-wheeled vehicle, persons of ordinary skill in the art would not modify Tanaka's vehicle to include a handlebar or the other components as specifically arranged on Konno's two-wheeled vehicle because there is no need or motivation for doing so. The reason that the components are provided and arranged on Konno's vehicle do not apply to Tanaka's automobile.

In view of the foregoing, the applicant respectfully asserts that any combination resulting from the full, fair disclosures of the Tanaka and Konno references would not achieve or make obvious the theft-deterrent device as claimed, including a module located near the rotating shaft of the handlebar, in which the module includes a primary lock mechanism.

As regards claims 7, 13, and 17, the Examiner states that Tanaka discloses the claimed invention except for a seat lock actuated in coordination with the locking/unlocking of the primary locking mechanism, and that Konno teaches a seat lock mechanism Ls that is locked/unlocked in coordination with the primary locking mechanism.

Although the applicant agrees that Konno discloses a seat locking mechanism which is coordinated with the primary locking mechanism, the applicant does not agree that Tanaka, or Tanaka as hypothetically modified in light of Konno, discloses the primary locking mechanism

comprised in a module as claimed in the base claim.

As regards claims 8 and 9, the Examiner refers to the rejections of claims 1 and 2 above. The applicant's remarks regarding the deficiencies of the Tanaka reference with respect to claims 1 and 3 above, and the deficiencies of Tanaka, as modified by Konno with respect to claim 2 above, are repeated herein.

As regards claims 11 and 13, the Examiner refers to the rejections of claims 5 and 6 above. The applicant's remarks regarding the deficiencies of the Tanaka reference with respect to claims 5 and 6 above, and the deficiencies of Tanaka, as modified by Konno with respect to claim 8 above, are repeated herein.

Again, applicant respectfully submits that the Examiner's rejection of claims 2, 7-9, 11-13, and 17 does not rest on a proper factual basis derived from the references and/or other references of record.

Based on the foregoing, it is respectfully submitted that the rejection of claims 2, 7-9, 11-13, and 17 under 35 USC 103(a) as being unpatentable over the Tanaka and Konno references is overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

#### Other Matters

Claims 4 and 10 are amended herein to be rewritten in independent form to include the limitations of the base claim and any intervening claims. Specifically, claim 4 is amended to include the limitations of claim 1, and claim 10 is amended to include the limitations of claim 8. By these amendments, no new matter is added to the application, and the amended claims are fully supported by the specification. Claims 4 and 10 are now in condition for allowance.



**Conclusion**

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

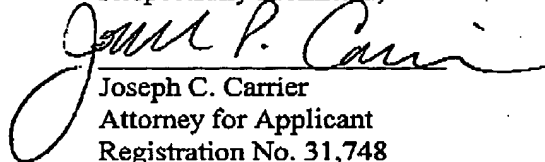
If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

The Commissioner is hereby authorized to charge the \$400.00 fee for two independent claims in excess of three to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed

Favorable consideration is respectfully requested.

Customer No. 21828  
Carrier, Blackman & Associates, P.C.  
24101 Novi Road, Suite 100  
Novi, Michigan 48375  
March 21, 2005

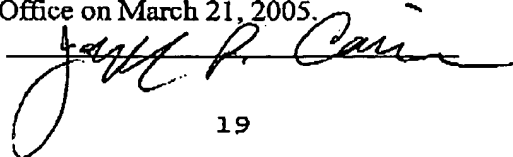
Respectfully submitted,

  
Joseph C. Carrier  
Attorney for Applicant  
Registration No. 31,748  
(248) 344-4422

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted, via facsimile, to the United States Patent and Trademark Office on March 21, 2005.

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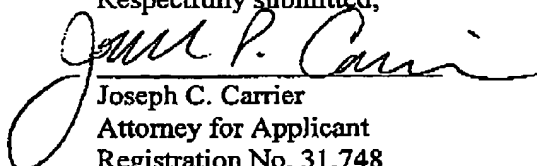
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Novi, Michigan 48375  
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Respectfully submitted,

  
Joseph C. Carrier  
Attorney for Applicant  
Registration No. 31,748  
(248) 344-4422

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